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LETTERS TO LORD JOHN RUSSELL... - SCROPE

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LETTERS

TO

LORD JOHN RUSSELL, M.P.

8c. 8c. 8c.

ON THE

FURTHER MEASURES REQUIRED

FOR THE

SOCIAL AMELIORATION OF IRELAND.

FROM

G. POULETT SCROPE, M.P.  
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LONDON:

JAMES RIDGWAY, PICCADILLY.

1847.

HC 257

I<sub>6</sub> S<sub>33</sub>

## LETTER I.

TO THE RIGHT HON. LORD JOHN RUSSELL,

&c. &c.

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*Auxiliary Measures should have accompanied the Poor-law—Waste Lands Reclamation the first—Requires Legislative Interference—Voluntary Exertions of Landlords not to be depended on.*

MY LORD,

ONCE more I take the liberty of addressing you on the condition of Ireland, and the legislative measures which appear to be imperatively necessary for its safety.

I am emboldened to do so, partly by the sanction which the course of events, and the policy recently pursued by your Lordship and the Legislature, with the almost unanimous assent of the public, have afforded to the views on this subject which I have for many years past put forward through every available channel (with a pertinacity which procured me for a time not a little opprobrium); partly by the conviction that much of the dreadful amount of calamity which has afflicted unhappy Ireland during the past year might have been avoided by an earlier adoption of the policy so recommended,—that, namely, of directing our Legislation to the cure of her physical and economical maladies rather than to those more fanciful grievances of an eccle-

siaistical or political character, to which the attention of Parliament was up to last year almost exclusively confined.

The remedies as yet applied—valuable as they are to the extent to which they go—cannot be supposed sufficient of themselves to overcome the enormous amount of social evils to be contended with. Further efforts must be made. And few days pass without threatening indications of the danger that must attend their longer postponement.

With the exception of the Vagrant Act, the Landed Property Act for sanctioning loans to a limited amount to landlords, and one or two others of minor importance, the Poor-law comprised the total of the measures passed in the last session of Parliament for the improvement of that horrible state of society which has long existed in Ireland; which Parliamentary Reports and Royal Commissions have more or less disclosed from time to time to the few who chose to attend to them, but which would have remained still unheeded by the directors of public affairs had not the potato blight at once raised its horrors to an intolerable climax, and forced their consideration upon the Legislature.

Urgently as I have always pressed for a completion of the Poor-law, as the necessary foundation and commencement of social reform in Ireland, I have never failed to express the opinion that it would require other supplementary measures to be adopted at the same time, to enable it to be suc-

cessfully put into operation, as well as to assist in bringing about the great object in view, of securing to the bulk of the people of Ireland the means of living in that decent condition which civilization requires and ought to afford to them. If I held this opinion before the loss of the potato occurred, how much more strongly must I entertain it now, when the ordinary resources of the country have been so greatly lessened? I say this, because my name having been often publicly coupled with the suggestion of such an amended Poor-law as was passed last session, it is due to myself that I should as publicly repeat the declaration that I have never put forward such a law as in itself a *panacea* for Ireland's ill, or even as capable of being effectually worked, without the accompaniment of other large and vigorous measures. Above all, at such a critical period as the present, with the awful prospect opening before us for the ensuing winter, it is impossible not to perceive that to leave Ireland to right herself by the bare unaided influence of the new Poor-law, would be to risk the failure of that law altogether; indeed, to play into the hands of its opponents, who will no doubt do all in their power to hamper and resist its operation; and thus, by discrediting it, to compromise its duration, and the realization of the vast benefits which, fairly carried out, it is calculated to produce.

Your Lordship yourself, in your opening speech on the state of Ireland last session, shewed the

you shared this opinion, by declaring your intention to submit to Parliament a series of other measures to accompany the Poor-law. Most of these, however, were either never introduced at all, or fell to the ground through the pressure of other business, and the necessity of an early dissolution of Parliament. Other prominent Members of the Legislature likewise proposed supplementary measures on a large scale—such as assistance to railroads and colonization—which met with much favour from portions of the public; all shewing the general concurrence of feeling that *something else* is required besides a Poor-law to tide Ireland over her present unexampled embarrassments, and elevate her people to that condition which her abundant natural resources give them a right to expect.

That aid might be usefully afforded in moderation to the development of a system of railways in Ireland I fully admit. The expediency of a permanent national system of colonization for the benefit of the three kingdoms I have always advocated. But, nevertheless, I cannot agree with those who put forward either or both of these schemes as in themselves capable of acting with sufficiently immediate, direct, and powerful effect upon the present circumstances of Ireland to warrant their being so prominently advocated as they have been, to the exclusion of other measures more appropriate, and more immediately applicable to the crisis we have to deal with.

The great object to be had in view is to create *employment* and *food* for the people. Employment in the production of food, if possible. Surely, if this can be created at home, it is much better (for a thousand reasons, which I need not dwell on,) than attempting to find it for them in America. Now the universal testimony of all who have studied the natural resources of Ireland assures us that there exist ample means within her own limits for employing and feeding her entire population—nay, several multiples of that number—of employing them in the production as well of the food they require as of other objects of home consumption or commercial demand.

Then, clearly, the first and most obvious of all measures, for the attainment of the great end I have mentioned, should be the removal of all obstructions that may exist to the development of these natural resources, and its direct encouragement by every legitimate means within the power of the Government or Legislature.

Several measures have been suggested for this purpose. Some have been partly recommended to Parliament by yourself. Some minor measures of the kind have been, to a moderate extent, already enacted in the Drainage and Fisheries Acts.

The more important measures, however, to which I allude are,

1. A bill for facilitating the sale of encumbered estates.

2. An improved landlord and tenant law.
3. A measure for commencing the immediate reclamation of the waste lands.

These three measures are almost inseparable, all are fitted to work well together, and it would be difficult to say which is most urgently required.

If I begin, therefore, by enforcing upon your Lordship's attention the last as the most pressing in urgency, it will be chiefly because I have been led myself to pay the greater consideration to it of late; having introduced, as you are aware, a bill for the purpose in 1846; and because the subject is involved, I believe, in fewer difficulties, and is capable of a more immediate and simple adjustment than either of the others. It has the great advantage, moreover, of having been already recommended to Parliament by yourself, as one of the leading measures required for the improvement of Ireland.

On this latter ground I hope I shall not be considered, in the arguments I may address to you in its favour, as presuming to indoctrinate you on the subject, but rather as endeavouring to draw the attention of the public to the facts and reasonings on which rest the views your Lordship has already declared, but which you have hitherto had no opportunity of supporting by argument. In the pressure of other public business last session, I vainly attempted, more than once, to obtain a Parliamentary discussion of the question. Of this I have no reason to complain. The subject was

naturally considered of too great moment to be effectively debated on the motion of an uninfluential un-official member. I trust I may be more successful in the attempt I am now making to bespeak the attention due to it.

Though anxious to avoid all appearance of over-estimating the merits of the particular measure I am recommending, yet I cannot refrain from expressing astonishment at the degree to which the almost inexhaustible resources offered by the waste lands of Ireland for the productive employment of the wretched and unwillingly idle labourers of that country have been overlooked and neglected, no less by statesmen than individual proprietors.

They would seem to offer the most obvious and natural resource. It is not that attention has not been constantly called to them. For, not to mention the Irish Bog Commission Reports from 1809 to 1814, and the frequent and strong recommendations on the subject by successive Committees and Commissions since that date, it is scarcely possible to open a work upon Ireland, or a petition or memorial from any part of the country, complaining of distress and asking for relief, without finding mention made in it of the immense extent of waste and unproductive but improveable land that lies in the vicinity of the district whose inhabitants are idle for want of work, and starving for want of food! As one example amid hundreds, I take a report, dated the 6th instant, from the Chairman of the

Relief Committee of the Monaminey Electoral Division, in the Union of Mallow, made to the Relief Commissioners. In it I find the following passage :—

“ The non-resident proprietors possess the most valuable interest in nearly nine-tenths of the soil of our district. Their estates are capable of great improvement; and for the most part, indeed *four-fifths of them, are wilderness, waste and unproductive*; but which, if reclaimed and improved, as they might be by drainage, &c., *would give ample employment and subsistence to the whole surplus population, and change this district from a region of distress and calamity into one of comparative wealth and prosperity.*”

And this is a district in which “ *the majority of the labouring population*” have been during the last twelve months, or more, either fed in complete idleness at the expense of the community, or but nominally employed on useless roadworks, and must continue to be so uselessly fed or wastefully employed, during the next and ensuing years (unless they are to be allowed to starve), as the Report of the Relief Committee asserts, “ *without legislative interference*”!

Yes! “ without legislative interference—because the resident farmers are utterly unable to give employment on a large scale, and the proprietors, or nine-tenths of them, are absentees.”

It is indeed hopeless to expect from the voluntary

exertions of the landlords, whether absentee or resident, even under the stimulus of the threatened poor-rate, any adequate action in bringing to bear this shamefully wasted labour upon the wasted land in its proximity.

The landlords generally cannot be expected to possess the energy, if they even possessed the power, or could obtain the means, for effecting this to anything like the extent or with the promptitude that is required. In some cases, no doubt, the effort will be made ; and by help of the Drainage and the Landed Property Improvement Acts, something will be accomplished. But in the great majority of cases, the same inertness, from whatever source arising, that has hitherto prevented their bringing into productive use the improveable portions of their estates, will continue still to operate, and the state of things described above in the division of Monaminey, and which is a fair sample of numerous other districts in the west and south of Ireland, will continue unabated.

Even of those landlords who are roused, by the pressure of the times and the impending poor-rate, to action, the majority look for salvation to other means—to the eviction of their numerous tenantry, the clearing of their estates from the seemingly superfluous population by emigration or ejectment. Such landlords are utterly incredulous when they are told that the population on their estates is not really redundant, and that by a re-arrangement of

their farms—by an active reclamation of their waste land—by encouraging their tenants by liberal arrangements as to tenure or aid, to bring forth their little hoards of hidden capital, or to set to work with their own strong sinews to drain and otherwise improve the lands they occupy, or the surrounding waste—by acting, in short, as several enterprising landlords, such as Lord George Hill, Captain Kennedy, and others have acted, they might enable all to live decently off the produce of the land, and improve their own rental at the same time. They wholly refuse their belief in this ; and that they will act upon the recommendation is entirely out of the question.

And yet nothing can be more true, or more capable of demonstration, than the assertion that there is no real redundancy of population generally in Ireland. Nay, that even in the most distressed and apparently overcrowded districts a wise and prudent management of their natural resources might find profitable employment for all, to the great advantage of the proprietors themselves, and the still greater benefit of the people and the public which is so deeply interested in this result.

But I am exceeding all due limits, and must reserve my proofs of this assertion to another occasion. Meantime, I remain, my Lord,

Your Lordship's very obedient servant,

G. POULETT SCROPE.

London, Sept. 23.

## LETTER II.

*Ireland not over-peopled—Proofs of this upon every scale from a Townland to a County—Statistics of Mayo—Waste Land and Waste Labour generally found together—Proofs that Reclamation of Bog will Pay—Lancashire Bogs—Irish Bogs—Private Enterprise not to be relied on in Ireland—Immediate Action indispensable.*

MY LORD,

I HAVE ventured to assert, contrary to the general persuasion, that Ireland is by no means over-peopled; nay, that even her seemingly most over-crowded districts might easily, by wise arrangements, be made to support in comfort their entire population. I proceed to the proof of this assertion.

I will first take an extreme instance on a small scale. In the course of last spring a memorial was circulated among Members of Parliament, signed by the Chairman of the Board of Guardians of the Union of Limerick, Mr. John Thomas Devitt, containing a statement in detail of the condition of the population of the single townland of Moanduff, in the county of Limerick, which measures less than 150 acres, and is inhabited by more than 300 souls, or above two to the acre! Being a rural townland, the inhabitants of which have to live (if they can) off its produce, it is, therefore, one of the strongest examples to be met

with of a redundant population. As one consequence, the estate is eaten up by its pauper inhabitants. No rents or rates can be collected. And the memorial gives the names in full of some thirty or forty families inhabiting this true pauper-warren, who implore to be assisted to emigrate, or to be removed somewhere at the expense of somebody, to prevent their continuing to starve one another. Mr. Devitt, however, while he supports their prayer, in his "desire to catch at anything that may offer a palliative to their misfortunes," goes on to say (and I beg your Lordship to mark the words)—" Yet I hold that we have an ample field ~~AT HOME~~ for the employment of what is now deemed a superabundant population. *The very district I am describing possesses within itself mountain, bog, and marsh (with an inexhaustible supply of limestone), more than enough, if brought into cultivation, to sustain five, aye TEN times its present amount of population.*"

I refer next to the case of a wider district; for example, the considerable estate of Sir Charles Style, in County Donegal, managed by Capt. Kennedy, whose valuable evidence on the subject was given in detail before the Devon Commission. Here, "by lettings of waste land during the last four years no less than 172 *families* have obtained a permanent means of support, and there still remain 3628 acres of similar land disposable for an extension of the same principle." "The original cost of the reclamation is refunded in three years, and £1s. 12. 9d. per

acre cleared on the average by the transaction," in addition to an increase of permanent value equal to 7*s.* per acre. The expenditure on these and other permanent improvements of the estate is, in the opinion of Mr. Kennedy, certain to pay a profit of at least ten per cent. on an outlay of £5. per acre. And the result of what has been already done is that the same population which was formerly crowded on a few tracts of old arable land, in numbers far beyond what its produce could maintain, is now comfortably located, each man on his own conveniently-arranged farm. Actually a want of hands is now experienced for the cultivation of a district, half of whose inhabitants were previously idle through the greater part of the year from deficiency of employment!—(See *Digest*, p. 586, &c.)

I proceed next to the case of an entire county. I take the one which of all the counties of Ireland, is generally referred to as the most over-peopled, the most incapable of affording a maintenance to its population—the county of Mayo. Mayo obtained a shocking pre-eminence last year in the starvation of its inhabitants. It was from Mayo chiefly that Liverpool was invaded by hordes of fevered and famished outcasts. It was in Mayo that ejectments and civil bill processes, having clearance for their object, were most numerous. It is in Mayo, of all Irish counties, that the population will be found to have suffered most from these combined causes, when the dreadful reckoning of last year's depo-

pulation is made up. Those who deny that Ireland *can* maintain her people, usually adduce as their strongest proof the statistics of the county of Mayo.\*

But what are these statistics? The population of Mayo in 1841 was under 400,000. The acreage of *cultivated* land is, in round numbers, 500,000, or four persons to five acres, which is at the rate of about six acres of cultivated land to each family. The population being almost entirely agricultural, this, no doubt, appears tolerably close packing. But what is the *entire area* of the county? No less than 1,300,000 acres; 800,000 acres being still *uncultivated*; of which very nearly 500,000 acres are declared by Mr. Griffith to be reclaimable with profit! Were these wastes, therefore, reclaimed, *the proportion of cultivated land to the population would be doubled*. Instead of six acres to each family on the average, there would be twelve acres, besides the run of four or five acres more of rough mountain or bog for their cattle and turf digging. Then it is evident that even Mayo itself is far from being over-peopled in reference to its natural capacity for maintaining an agricultural population. It is only the land now arable that is really over-stocked. And this chiefly because it is cultivated in the most barbarous methods, rundale and joint-occupancy being general; drainage and green crops

\* See a Letter signed a "Mayo Man," in the *Times* of September 20.

almost unknown ! Hear the evidence of the Dean of Killala, given before the Devon Commission :—

73. “ Is there sufficient employment for the people in the cultivation of the arable land?—No, it does not employ them half the year.

74. “ But there would be employment for them in reclaiming the waste?—Yes, *more than ample if there was encouragement given.* Where I reside there are many thousand acres waste, *because it would not be let at a moderate rent.*

75. “ Is the land which you term waste capable of being made productive, if a fair rent was fixed on it?—*Yes, every acre of it.*”

But the landowners of Mayo prefer driving their people out of the country, to England or America, or starving them out of existence, to encouraging them by long leases and assistance to settle on their waste lands at home. This is why Mayo appears so over-peopled, when the contrary is, or ought to be, the fact.

And let me here remark upon the fallacy often put forward by those who insist on the impossibility of a county situated like Mayo maintaining its population. They compare the numbers of that population with the net valuation of the land now in (wretched) cultivation,—e. g. 400,000 souls with a rental of under £300,000. And allowing say £3. a head for each individual, see, they exclaim, it will take four times the entire rental of Mayo to maintain its population only on the footing of paupers !

Of course, this is the best possible reason for their being set to work to maintain themselves (as I have shewn they may so easily do) by improved cultivation of the soil of the country,—a process which, instead of diminishing its net rental, would, as Mr. Kennedy proves *by facts*, vastly increase it.

So, again, of the county of Monaghan. Mr. W. Steuart Trench, who has for years been extensively engaged in reclaiming waste land there, is asked,

12. "You have alluded to emigration to America. Do you think the locating the superabundant population upon waste mountain tracts in Ireland would have an equally beneficial effect?" His reply is, "Certainly; at least *for a vast period of years to come.*"

I might quote similar facts and opinions in regard to other counties, especially Galway, Cork, Kerry, Waterford, Donegal, &c. Indeed it is a singular and striking fact, that it is precisely those districts of the west and south of Ireland where the population is most wretched and destitute of employment, which most abound in improveable waste land. The useless land, requiring only labour to produce abundance, generally lies almost at the doors of the idle thousands, who are starving for want of work. In the words of the address of the Council of the Royal Agricultural Improvement Society, for 1845, "In every district may be seen tracts on which labour might be employed with the utmost advantage, and in all those districts are to

be found masses of people in want of food, or of wages to purchase food."

But to all this there are objectors who oppose the doubt whether the reclamation of these wastes would really *pay*, and the doubt is rested on the very fact that they have not been reclaimed. "*Private enterprise*," it is said, "would already have effected their reclamation if it were profitable." And to private enterprise they would still leave the process of effecting it. Such seems to be the feeling of many, who on this plausible *prima facie* objection refuse to listen to any proposal for the interference of the Legislature in the matter, and forgetful of the momentous importance of the subject, treat with scorn and ridicule the notion of cultivating Irish bogs!

Yet those same incredulous venters of bad jokes against this proposal, have probably often admired, as they were whirled over Chatmoss on the Liverpool and Manchester Railway, the magnificent crops of every kind of produce which are now yearly raised upon a black bog worse in its unreclaimed state than three-fourths of the Irish bogs.

Mr. Baines, writing from Barton Grange, in Lancashire, "a house standing in the midst of a tract of 2,000 acres of peat moss, within a few years past as wet and barren as any morass in Ireland, but now covered with luxuriant crops," estimates the sum expended in reclaiming the Lancashire mosses at about ten pounds per acre on the average.

"*all spent in manual labour,*" at the high wages of that county, which are more than double the ordinary wages of labour in Ireland. I have the details before me of Mr. Wilson France's expenditure in reclaiming 1,000 acres of Rawcliffe moss, near Garstang, likewise in Lancashire, which amounted to £9,000. This outlay now pays ten per cent. ; and the reclaimed bog gives constant employment throughout the year to seventy labourers at high wages.

Why cannot the similar peat mosses of Ireland, where wages are so much lower, be reclaimed with at least equal profit ?

But, in fact, Mr. Griffiths, who superintended personally the Government Survey of Ireland, and has been employed all his life in the valuation and survey of the lands, both cultivated and waste of the island, unquestionably the highest attainable authority on the subject, estimates the number of acres of waste bog and mountain land in Ireland, that may be *profitably* reclaimed, at four millions ; one million and a half for arable purposes, two and a half millions of acres for pasture. Professor Kane's estimate of improvable waste is still higher, namely, 4,600,000 acres. Who has the right to sneer down, or dispute in any degree, these high authorities ?

But any one who honestly and fairly wishes for information of a detailed and practical character on the subject will find ample evidence in the report of the Devon Commission, of instances innumerable,

of successful and very profitable reclamation of waste in Ireland, both bog and mountain, on both a large and a small scale. Some of this evidence I printed last year, in the hope of overcoming the fatal incredulity which checked the birth of your Lordship's embryo measure. Some of it may be seen in Lord Devon's recently printed Digest. I cannot venture to quote any portion in this place. It is enough to state that in most cases the cost of reclamation was entirely repaid by the second year's crop; in some even by that of the first year. In all, *after* repayment in full of the expense of reclaiming, land was left worth from ten to sixty shillings an acre, which had previously been almost valueless—at the utmost worth from one shilling to two or three.

But then it is said, “If so much profit can be derived from the reclamation of waste land, private enterprise will be sure to undertake and accomplish it.” And this argument is conclusive with many against any proposed Legislative interference.

This indeed would be a full and sufficient answer *in England!* But the case of Ireland is anomalous, and her condition wholly abnormal. The ordinary rules which teach us to leave profitable works of this kind to private enterprise are inapplicable to a country in the circumstances which Ireland exhibits at present. The very fact that these wastes, though cultivable with profit, have remained uncultivated, except here and there in a few instances, prove

this assertion. It is not merely the insecurity of life and property prevailing there—nor the want of capital alone—nor the want of sufficiently secure tenure, or of a permanent interest—nor the embarrassments of proprietors—nor their habitual indolence and inertness—nor absenteeism. But it is the combination of all these impediments, and others besides, which has occasioned the neglect of such available means for enriching landlord, tenant, and labourer, if properly used. No doubt these impediments are capable of removal, and will be more or less, some or all of them, in course of time removed. But *not in sufficient time* to effect that great change in the existing relations between the numbers of the labouring population and the demand for their labour, which is immediately indispensable to avert ruin and revolution.

What is imperatively wanted is some means for securing immediate employment of a productive character, and such, if possible, as will directly increase the growth of food in the country, for many thousands of able-bodied men, who, during the next winter and spring (and probably for several following seasons) will, in very many localities, be left wholly unemployed by private enterprise. The waste lands—which are scattered very generally over the surface of the island, but especially abound, as I have already remarked, in the poorest districts, where labour is most redundant—offer you this, and the waste lands alone. Further useless expenditure

of public money on the road-works of last year will hardly be thought of. Some roads indeed may require to be finished. In some districts works of drainage, or the lowering of river levels, may be usefully set about. But in very many localities, where large numbers of able-bodied destitute persons will have to be either fed in idleness (a system which it is difficult to believe will be any longer permitted), or employed on some public work, these resources will be wanting. While the waste lands in the vicinity, if power be lodged with the proper authorities to appropriate to the purpose such portions of them as are most conveniently applicable to it, will afford precisely the required means of employment, of a character superior in every respect to any other, and fulfilling all the necessary conditions—remunerative—productive of an increase of food—capable of indefinite expansion or contraction—most likely to elicit the industry and energies of the labourers employed; especially if it be a part of the scheme (as it should be) to hold forth to some of them the prospect of being enabled at some time, by industry and good conduct, to rent or purchase portions of the waste they may reclaim.

But my limits are long since exhausted. I must defer to another opportunity the description of the measure I venture to recommend for this purpose.

I remain, my Lord,

Your Lordship's very obedient servant,

G. POULETT SCROPE.

London, Sept. 27.

## LETTER III.

*Bill proposed in 1846 for Appropriation and Reclamation of Waste Lands—Its Effects now had it been then passed—Stopped by Irish Landlords—Are they always to prevail?—Waste land should be the Domain of the State—Objection to “Government turning Farmer” considered—Work must be found—Where better than on Wastes?—Authorities in favour—Mr. Brownlow’s Bill 1828—Poor Commission of 1834-6—Land Commission 1846-7—Digest of Evidence 1847.*

MY LORD,

I TRUST I have established (though treating the argument with unavoidable brevity) these two propositions: 1. That the waste lands of Ireland offer a readily available and almost inexhaustible field for the immediate productive employment of the able-bodied poor of the distressed districts of Ireland. 2. That this resource will not be brought into play to anything like the extent or with the promptitude required by the urgency of the case, “without legislative interference,” in the words of the Monaminey relief committee.

I proceed to consider the mode in which the Legislature may most effectually interfere. And, believing that the bill which I introduced for this purpose in 1846 was well adapted to the end in view, I will give here a short abstract of its provisions.

It authorised the appointment of a Waste Lands Commission, consisting of the Chairman of the Board of Works, together with two other commissioners, having power to purchase (compulsorily) tracts of

waste land, after due notice to the owners, who might appeal to a court of arbitration, appointed by the Lord-Lieutenant, upon the questions of value, &c. Demesne lands were excepted. The usual provisions followed for authorizing the sale by incapacitated parties, and for appropriation of the purchase money. The commissioners were empowered to make such roads, drainages, fences, buildings, and generally to reclaim these lands, as they might think fit; and after laying them out in farms of any size, from five to one hundred acres, to sell or lease these farms publicly for long terms, giving the tenant the power to purchase the fee by instalments, on terms fixed from the first. Strict provisions were introduced against excessive subdivision or sub-letting, at any time, and to ensure the amplest improvement of the land.

Such, avoiding details, was the general character of the measure; and had your Lordship, as at one time I had reason to hope, taken up and passed that or some similar measure, as an accompaniment to your Labour Rate Act of August, 1846, so as to have enabled the officers of the Board of Works in the past winter and spring to employ some of the 500,000 labourers they had upon their hands in the reclamation of bog and mountain land; nay, had your government, even so late as the appearance of Mr. Labouchere's celebrated letter, only assumed the responsibility of construing the phrase "public works" in the Labour Rate Act to mean the drain-

age and reclamation of waste, as well as the cutting up of good land by useless roads, what a different state of things would now be found to exist! Instead of those same much-abused roads, on which millions have been expended, almost to no purpose of future utility, and which still, it is said, require further millions to complete them, you would have reclaimed from the waste very many thousands of acres, which would even this season have borne crops, and would afford for the future permanent employment to thousands of labourers. The whole of this expenditure would have been not only productive, but remunerative. The entire sum would either have been already replaced by immediate sale of the farms reclaimed, or would be paying a fair rate of interest. On these farms would have already settled, either by purchase or lease, thousands of those industrious men who last year fled from their country in despair of being able to make a living in it—carrying with them to Upper Canada or Illinois the capital they would have greatly preferred to expend at home, had any chance been opened to them of doing so with advantage.

But this was not to be. However favourably your Lordship might individually have been disposed towards such a measure, the Irish landlords, it must be presumed, were too decidedly opposed to the compulsory appropriation of any portion of their wastes. I presume this to have been the case

on no light rumours, but because, even last session, after you had publicly proclaimed your intention of bringing forward a measure of the kind, you were compelled by their opposition to renounce it. It seems that the Poor-law alone was as much as that interest could be brought to swallow on compulsion in one year. Thus the favourable opportunity for commencing on a large scale the reclamation of the Irish wastes, which was afforded by the necessity of expending several millions of public money in the employment of Irish labour, has been lost! In lieu of this the people were demoralized by a kind of employment of doubtful utility, to say the least, which they knew to be adopted only as a sort of roll-call, not for its promise of future advantage. And the extent of cultivated land, instead of being increased to meet the necessity of a larger production of grain to supply the deficiency of the potato, was considerably reduced by the quantity spoiled by the new roads! English capital has been sunk on works of so little value to Ireland, that the very landed proprietors who selected them refuse, on the ground of their utter worthlessness, to repay any portion of the expenditure! And the Irish capital, that would have been so eagerly drawn from its hiding-places to cultivate the reclaimed lands, has been driven across the Atlantic.

And, now I ask you if this year likewise a similar course is to be pursued? Is the infatuated resistance of the legal owners of millions of acres of

reclaimable land, which they either cannot or will not make use of themselves, nor permit others to improve or cultivate on fair terms, to be still all-powerful ? Are they still to be permitted to lock up one-third of the area of the entire island in a state of barrenness, at a time when they are themselves complaining that it is over-peopled, and asking for public money to transfer their tenantry to America, and to feed their able-bodied poor ?

Surely these are not times, and Ireland, in its actual state, is not the country in which the conventional rights of property can be so strained with safety ! Waste land ought to be considered the domain of the State (as in all new countries and throughout the eastern hemisphere it is, and has been considered from time immemorial—as in our own colonies we ourselves treat it)—to be appropriated by individuals only on condition of reclamation and productive occupancy. Where multitudes starve for want of the land which lies waste around them, the law which keeps the labour and the land asunder is not in accordance with, but is directly opposed to the principle on which alone property in land can be justified, and is admitted by jurisconsults to rest ; namely, the expediency of encouraging its improvement and cultivation. But, independently of this argument, it is sufficient to ask what peculiar sanctity can there be in *waste lands*, that is to protect *them* from that appropriation to public uses, when required, which is daily practised,

in every ordinary railway, or canal, or road bill, in the case of lands highly cultivated, improved and adorned—nay, even of buildings and residences on which vast capital has been perhaps laid out, or which are consecrated in the affections of their owners by a thousand cherished associations?

It is clear that no special immunity can be for a moment pleaded for the Irish wastes. And the opposition, if any is publicly made, will, no doubt, be rested on other grounds.

It has, indeed, already been vaguely objected that this is a proposal for “the government to turn farmer on a vast scale, and set about cultivating the Irish bogs.” And by a stupid cry of this kind, a prejudice is raised perhaps against the recommendation. Nothing, however, of the sort is suggested. The farms might, and perhaps should be disposed of even in their wholly wild state, so soon as the first steps in the process of reclamation, such as the cutting of the main drains, has been effected. Their occupants would themselves generally be able to carry forward the improvement by thorough drainage and coating with earth, as well as the actual cultivation of their land. Whatever is done by the public authorities beyond the initiatory steps of arterial drainage and the division of farms, should only be to the extent required by *the necessity of finding work for able-bodied poor*, who would otherwise be destitute and a burden on the public. That there will be many such in all, or nearly all of the

western unions (which are for half or more of their area composed of bog or mountain) through the coming winter and spring, and probably for several succeeding seasons, is certain. That these multitudes should be still for another year or two maintained in idleness at the public expense, either in or out of the workhouse, eating up the resources of the country without adding to them, and learning indolence and vicious dependence, and that in districts where waste land lies at their doors on which they might be profitably employed, if the law permitted its appropriation to the purpose, would amount to a pitch of barbarian folly, that the common sense of the three kingdoms would hardly tolerate. There has been more than enough of this already.

**EMPLOYMENT MUST BE FOUND FOR THEM.** And where so usefully, and in every other respect, moral and political, as well as economical, so advantageously, as in adding to the cultivated area of the country, preparing the present abode of the snipe and curlew to afford subsistence, industrial occupation, and a happy residence in their native land, to civilized men and loyal subjects. At this moment there are hundreds of thousands of able-bodied Irishmen, anxious to perform all their duties to society, asking only for leave to toil, and by their labour to increase its wealth and prosperity, but to whom the suicidal law imposed by that society has denied a spot of land on which to exercise their industrial propensities—has refused them the

right even of a resting place for the sole of their foot—whilst this same law empowers a few other individuals to retain millions of acres of reclaimable Irish land in unproductive barrenness, useless to themselves or to any human being. This is not merely a barbarous absurdity; it is a crying grievance—a giant wrong—which cannot be too soon redressed, if it be desired that the people of Ireland should respect the law or attach themselves to the Imperial Legislature.

Is it supposed by any one that the quick-witted peasantry of Ireland cannot reason from these simple premises? Does not their religion teach them that God gave the earth to man to inhabit and cultivate, giving to man at the same time that instinctive desire, which they so strongly feel and exhibit, to obtain his living by its cultivation? Then what must be their sense of the justice, or accordance with the Divine will, of a law which shuts up vast tracts of untouched land from their use, and leaves them to starve, or at best to lounge idly upon it, forbidden to plant a spade in it for the purpose of fulfilling the Divine commandment of gaining their bread from the earth by the sweat of their brow? They must be dull indeed (and Irishmen are proverbially the reverse) who can under such circumstances look on such a law with any other feeling than indignation and hatred! Feelings of this nature in other countries of Europe within very recent periods have generated, you are aware,

successful revolutions, by which dynasties have been overthrown, whole races of landowners summarily dispossessed, not of their wastes only, but of their entire estates ; and the many made proprietors—happy and comfortable proprietors—of the soil, instead of the few. Will you wait for some similar convulsion in Ireland before you appropriate the waste lands of the island—*the people's farm*—to the use of the people ?

The measure I advise is no new and startling proposal. It is nearly the same which Mr. Brownlow recommended to Parliament in 1828, and your own Poor Inquiry Commissioners in 1836. The latter expressly recommended “ a Commission empowered to make a survey, valuation, and partition of the waste lands of Ireland.” I cannot conclude better than in their own words, embodying the very same arguments I have been urging upon you :—

“ When the immense importance of bringing into a productive state five millions of acres, now lying waste, is considered, it cannot but be a subject of regret and surprise that no greater progress in this undertaking has as yet been made. If this work can be accomplished, not only would it afford a transitory, but a permanent demand for productive labour, accompanied by a corresponding rise of wages and improvement in the condition of the poor ; opportunities would also be afforded for the settlement of the peasantry, now superabundant in

particular districts on waste lands which at present scarcely produce the means of sustenance, or are suited for human habitations. This change would be alike advantageous to the lands from whence the settlers are taken, and to those on which they may hereafter be fixed, and may facilitate the means of introducing a comfortable yeomanry and an improved agriculture in the more fertile districts. The severe pressure of the system of clearing farms and ejecting sub-tenants may thus be mitigated and the general state of the peasantry improved."

If considered by the Commissioners so expedient in 1836, how far more necessary must such a measure be now, when the potato failure, by destroying the "con-acre" system, has multiplied in a vast degree the number of labourers vainly seeking employment, and the Poor-law of last session, with its quarter-acre-clause, promises to put an end also to *cottier holdings*, and add further myriads to the same ranks.

It is vain to hope that these vast numbers can be absorbed at once by "private enterprise," however encouraged by loans, or stimulated by poor-rates. Railways and colonization will be equally inadequate to dispose of the surplus of labour in the market, even if they for a moment could be compared with the reclamation of the wastes, in point of productiveness, facilities of direct application, or general benefit.

But I appeal to yet stronger and more recent au-

thority. Within the last few days I have been gratified by finding the views I am endeavouring to press upon you of the paramount importance of a large reclamation of the waste lands of Ireland, in preference to any other remedial measure, not merely supported, but strongly insisted on by the able and experienced compilers of the "Digest of Evidence taken by the Commission of Inquiry into the Occupation of Land in Ireland," just published by authority of the Earl of Devon.

They shew, from detailed evidence (p. 565), that "by a proper selection of waste land settlers," "a total number of *half a million* of labourers and cottier tenants may be abstracted from competition in the [now] over-stocked labour [and land] markets;" "and that this result can be obtained *not only without any permanent loss, but with a very large permanent gain*, increasing the value of the yearly gross produce of the 3,755,000 acres of waste land, which we know to be improvable, from £751,000 to £22,530,000!" while "*the first three or four years' crops would return the cost requisite to bring about this change.*"

They present in a tabular form a comparative estimate of the cost and returns respectively of this and the two other alternative measures, which are most generally advocated for the improvement of the social and economical condition of Ireland—namely, emigration, and employment on draining and subsoiling the lands already under culture.

And the result is, supposing each process to occupy a space of ten years, that the last would consume a capital of 84 millions, which *might* pay 15 per cent., but would produce little *permanent* relief, the labourers employed during that term being all thrown on the market again after its expiry ; that the second scheme (that of colonization) would cost £20,000,000, paying only 3 per cent., to effect the same object of relieving the labour and land markets of 500,000 competitors; *which might be attained by means of reclamation of the waste lands at a cost of only ten millions, with a certain net return of ten per cent !*

So striking an exposition of the immense superiority of the measure I have long urged upon your Lordship over every other available resource, and proceeding from such high authority—being, in fact, the concentrated result of the labours of the Devon Commission for the last five years, extended through every corner of Ireland, and after an examination of hundreds of the most intelligent and experienced persons to be found in the island—must carry a weight with it which would render it the most unpardonable presumption in me to do more now than refer your Lordship to the able reasoning and details of evidence by which this important conclusion is worked out in the volume just issued. The authority from which it proceeds is such as must silence all the vulgar incredulity I have before alluded to, as to the benefits derivable

from the reclamation of the Irish wastes, and bear down all opposition to the vigorous character of the measures that are necessary for realizing to Ireland (and indeed to the empire at large) those immense advantages.

I end by repeating the simple statement with which I commenced. On the one hand, hundreds of thousands of the people of Ireland are asking for food in return for their labour. On the other, millions of Irish acres only require labour to produce food. Can there be a question that the first and most urgent of all measures demanding the attention of the Government and Legislature, must be one to apply the unemployed labour to the unemployed land?

I remain, my Lord,

Your very obedient servant,

G. POULETT SCROPE.

Castle Combe, September 28, 1847.

## LETTER IV.

*Measure next in importance, a Tenant-right Law—The want of industry imputed to the Irish peasantry caused by the denial of the only motive to industry, security for enjoying its fruits—Objects of required measure must be retrospective, not prospective only—Must not depend on consent of landlord.*

• MY LORD,

GREAT and primary, as the importance is of a measure for developing the vast resources of the waste lands, I am by no means desirous of putting this forward, any more than the Poor-law, as the one and only thing needed for the regeneration of Ireland. On the contrary, I have already spoken of an improvement of the law of land-tenure as almost equally indispensable. This alone can bring about that rapid improvement and spirited cultivation of the lands now under tillage or in pasture, which are as certain to ameliorate the condition of the labourers and farmers, and to increase the produce and wealth of the country, as the reclamation of its wastes.

Now, there exists an almost universal agreement of opinion in Ireland upon the essential requisites of such an alteration of the law of land-tenure as will alone bring about this result; namely, that

it should, in some shape, secure to the actual cultivator of the land the undivided fruition of the increased produce he may raise, or the increased value he may give to his farm, by his industry, or the expenditure of his capital.

This is confirmed by the same high authority to which I have just referred—the Digest of the Evidence taken by the Devon Commission. That evidence, it is declared, “shews that the master evil of Ireland, poverty, proceeds from the fact of the occupiers of land withholding the investment of labour and capital that lies within their reach on the farms they occupy, because they are not certain of being permitted to reap a reasonable remuneration from their exertions.”

And how can it be otherwise? Who will work for others, as he would for himself? Who will drain, fence, build, or make any permanent improvements on a farm from which he may be turned out at the end of six months, or his rent raised to the extreme value he may himself create in his farm? The condition of all industry is the right to enjoy its fruits. The bees, it is true, those models of industry, are, like the Irish peasant, robbed ever year of the results of their labour, and yet continue to toil on. But the bees do not foresee this hard fate; while the quick-witted Irishman knows that what has happened before will very likely happen again, and taking warning by a neighbour's fate, only labours so far as just to live,

in the conviction that any surplus he could by any effort produce, beyond the barest necessities of subsistence, would go to his landlord, not to himself.

Hence the wretched cultivation of the greater part of Ireland. Hence the almost total want of farm-buildings. Hence the miserable hovels, in which the farmer's family and bestial stock often herd together. Hence, also, the largest proportion of agrarian outrages, which are sanctioned by the sympathy of the great bulk of the tenantry, as maintaining that system of *intimidation* which they consider necessary to protect them (in the absence of any legal security) in the occupation of the poor tenement and meagre livelihood they *do* possess.

It is an idle dream to suppose that this state of things can be put an end to, except by giving to the peasant farmers of Ireland—*those who have possession of the land*, and from whom it is hopeless to expect to get it away—however small their holdings, or seemingly deficient their means of improved cultivation, that motive to industry which consists in the certainty of being allowed to enjoy its fruits. Without this, vain will be the model farms, and agricultural societies, or lectures from Mr. Huxtable or Mr. Blacker themselves. Vain even your alternate lectures and loans to landlords, or the *stimulus* of the poor-rate,—unless the occupiers of the soil are raised from that slough of despond in which they now waste their existence, by the legal

concession to them of that which ought to be the first law of the social compact, the right to reap what they may sow—to enjoy what they may create.

By what particular legislation this should be accomplished may admit of dispute. Not so, that it must be *immediately* and *thoroughly* done, if Ireland is henceforth to maintain her population by the development of her ample natural resources. Many demand for this purpose the universal extension of the kind of tenant right which has made Ulster prosperous,—as compared with the other three provinces—has maintained harmony between landlord and tenant, securing his rent to the former, and comfort to the latter—has always preserved the province from agrarian outrage, and saved its inhabitants from the extremity of famine last year—a system, in fact, which *has been tried and found successful on the experience of centuries*.

Others, objecting to the extreme difficulty of estimating the good will which custom, not law, has appropriated to the Ulster tenant, recommend a compensation on quitting for permanent improvements, to be valued by some independent arbitrator.

Some, under the term “fixity of tenure,” would give to every occupier an absolute property in his holding, subject only to his present rent, or one to be determined in future by some third party.

The last proposal partakes, no doubt, of a revolu-

tionary character. But it is that simple solution of the question to which events are rapidly tending—unless anticipated by a just and efficient change in the law of tenure, which shall reconcile the rights of both the cultivator and the land-owner.

I feel that I expose myself to the charge of presumption in putting forward any opinion I may have formed upon the mode in which this knotty question of tenant-right in Ireland can be best solved. But having been led to consider the subject closely so far back as 1835, when a member of Mr. Lynch's committee—having for many years past supported Mr. Sharman Crawford in his earnest and persevering advocacy of a legal compensation to tenants for their improvements—having fully studied the evidence recently given before the Devon Commission—and anxiously watched the progress of opinion and current of events by which some immediate settlement of the relations between landlord and tenant in Ireland is rendered imperatively necessary to avert (let me speak it openly) an agrarian revolution or civil war—I do venture to think that the opinion of an impartial bystander, who has long made a study of the economical bearings of the various modes of land-tenure that prevail through the world, may not be without its utility in the present emergency, as a contribution to the amount of thought now directed to this question.

Let me begin by remarking that the object to be

held in view in legislating upon the subject at this time is two-fold :—

First, To calm the excitement that so generally prevails throughout the class of occupying peasantry in Ireland, and induce them to relinquish that spirit of combination against the law, and that sympathy with agrarian crime, which are engendered amongst them by the insecurity of their present tenure, and which, so long as they last, will be an effectual bar to the introduction or investment of capital in the improvement of Irish agriculture.

Secondly, To call forth the utmost industrial energies of those who have the soil of Ireland in their possession, by guaranteeing to them the full benefit of any increased productiveness they may create.

The first of these objects has not, I think, been sufficiently kept in view by many who have proposed alterations of the law of landlord and tenant. The measure which was produced to Parliament by Sir Robert Peel's government, and even the recommendation of the Devon Commission, equally had this serious defect, that they related only to *future* improvements, and had no reference to those already effected by the existing tenantry. In a word, they were merely prospective, not retrospective in their operation.

Now this I conceive to be a fatal error. It overlooks altogether the necessity of reconciling to the law the minds of the present race of tenants, by the

just (and nothing more than just) concession to them of that property which they now hold in practice, however much in defiance of law. It must, therefore, fail in attaining the object above referred to, as first to be considered in framing a legislative measure which shall not be altogether ineffectual.

It is impossible to dispute the fact that the great bulk of the occupying tenantry of Ireland have acquired for themselves an actual possessory property in their farms, far beyond what the law allows to them. The custom of the sale of tenant-right or good-will, even in the case of farms held from year to year, is declared by the Devon Commissioners to "prevail in most parts of Ireland" (p. 290, Digest).

Few persons perhaps have considered how large an amount of property in the aggregate this custom covers. Supposing the goodwill of farms throughout Ireland to be worth on the average ten years' purchase, which is certainly below the average of Ulster ; and taking the rental of Ireland at fifteen millions only, the total value of the tenant-right will be a hundred and fifty millions, distributed in amounts of from ten to a few hundred pounds among nearly a million of persons—the bulk, in fact, of the people of Ireland !

If this be considered too high an estimate, still, under any supposition, the amount must be very considerable. And this, which constitutes the chief, almost the only, property of the middle class of Ireland—a property continually bought and sold, in-

herited and pledged by them for loans and debts—is, notwithstanding, as yet unrecognized by law! So at least run the most recent decisions of the courts.

Can any state of things be more unjust—any more dangerous to the peace of society—any more fatal to the hope of agricultural improvement? Obviously, the first step towards conciliating the attachment of the peasantry to the law, and giving to it that semblance of agreement with right and justice which alone can ensure their respect for and observance of it, must be a measure to give the sanction of law to that which is, and has been for a long time past, the notorious and practical custom of the country.

If this be not done, it is surely hopeless to expect that they will peaceably submit to a law which they have hitherto more or less effectually superseded by a legislation of their own—a law which denies to them those rights they have to a great extent secured to themselves in practice. If this be not done, it is vain to expect to check those agrarian combinations, which, in the words of the land commissioners, “link most occupiers of land in one common and well-understood cause, producing an uniformity of action in resisting the exercise of legal rights,” and causing “the mass of the population to sympathise with the perpetrators of crime, and even of murder.”

Any promise, therefore, of compensation for fu-

ture improvements only, leaving past claims unsatisfied, must fail to conciliate to the support of the law the existing race of tenants, or induce them to apply their industry and capital henceforward to the work of improvement. They will not believe in promises of payment for improvements they may hereafter make, if their claim be refused for such as they have already made. Justice would seem to require the one no less than the other.

Take for example the case related by the Rev. Malachi Duggan, of Clare, where "a poor man named Crotty built a nice dwelling-house." His landlord, before long, "taking a fancy to the house, which was a pretty thing, paved all round, and with back offices," "picked a quarrel with the man, and threw him out on the highway, where himself and his wife shortly died," (p. 176, Digest). If that poor fellow were alive, and in the occupation of his little holding, is he to be told, "you must quit and give up the nice house you have built; but if you like to build another, the law shall give you a lien upon it?"

Or take the cases related by Mr. Robert M'Crea, of the county of Tyrone, as within his knowledge (p. 174), in which the rental of small farms has been *doubled* "in consequence of a house being built by the tenant himself, without a stick, stock, stone, or slate having been got from the landlord." Are tenants under such circumstances to be left without protection, because they have not waited

for a change in the law to improve their farms, but have trusted to the chance of their landlord's leniency, or to the safeguard which agrarian intimidation has hitherto afforded ?

Then, if this be so, *to agrarian intimidation they will still look* for the preservation of that interest in their holdings, to which they feel by all principles of natural justice they have a right, and which, practically, they for the most part do possess ; and security for life and property—the *sine qua non* of social regeneration—will be hopeless of attainment in Ireland.

On these grounds it appears to me indispensable that any legal title which may be given to tenants to compensation for improvements, must have a *retrospective operation*.

Another point of almost equal importance in my view (but which seems to have been equally overlooked in the recommendation of the Devon Commission) is, that the apathy, indifference, or short-sighted niggardliness of the landlord shall not be permitted to prevent real improvements from being executed by the tenant. The consent of the land-owner, therefore, must not be made a necessary condition to the establishment of a claim to compensation. It can hardly be doubted that, in a large proportion of cases, the reply of the landlord to any notice from a yearly tenant that he intended to make some improvement for which he expected

compensation, would be either a *notice to quit*, or a demand for an increased rent as *the price of a permission to improve*.

Mr. J. Moran, farmer and valuator of county Wicklow (a county whose landlords are by no means the worst in Ireland), says :—" If the landlords have the option of only improving as they please, they will not do it at all. They will be like the dog in the manger, they will not do it, nor let their tenants do it." (p. 189, Digest).

If this be considered too sweeping as a general assertion, still it must be admitted to be true in very many cases, and in those above all where improvement is most required, having been most neglected hitherto, the estates of absentees, of minors, of embarrassed and needy proprietors.

It seems to me that the interests and rights of the landowners would be sufficiently protected by such a law as is recommended by several witnesses from the county of Wexford, one of the best managed counties in Ireland—by Captain Simon Newport, among others, a land agent and magistrate, who vouches for the assent and concurrence of Lord Carew in the suggestion, namely, " That the landlord be required to reimburse an outgoing tenant for all his *bona fide* improvements, whether buildings, drainage, fencing, reclamation of land, or other of a more or less permanent character. In case of non-agreement between the parties, the amount of compensation to be finally determined by a court of

arbitration at quarter or petty session" (p. 187). The principle to regulate the amount should be, in the words of C. A. Walker, Esq., landed proprietor and deputy-lieutenant of the same county, "*the fair residue of the value* of every improvement which the tenant (or his predecessors within some limited antecedent period) had effected on his holding at his own cost."

It would not appear to be a very difficult matter to estimate this, by taking first the letting value of the land in the absence of these improvements, and deducting this from the present improved value. The remainder would be the portion fairly claimable by the tenant, for which, if forced to quit, he should be paid at a fixed number of years' purchase.

"I feel perfectly convinced," says Mr. Walker, "that if this principle were enforced by law, *agrarian outrages would cease*, and all the supposed good effects the advocates of fixity of tenure and a maximum of rent now seek for, would be secured. It would become a matter of comparative indifference whether there were leases or not; and the increased profit which the tenant would derive from the secure outlay of his capital in the improvement of the land, bringing with it an increased produce, would raise the estate and condition of both landlord and tenant. I have very extensively conversed with farmers upon the subject, and without a single exception they agree that it would settle the ques-

tion, and be the true 'equity of tenure.' "—(p. 186, Digest.)

This seems rather a sanguine view, however, and it would still remain, I think, necessary (in Ulster at least, if not elsewhere) to allow the tenant some compensation for goodwill, independent of, and beyond, the proved value of his improvements. This might be based on the custom of the country where it exists ; or on the fact, if established, of the tenant having purchased such goodwill on entry with the presumed knowledge of the landlord or his agent. It seems but just to admit such a claim. Nor is it at all likely that tenants under these circumstances will be satisfied otherwise than justice is done to them.

It appears to me that the two principles of compensation should be combined, and an amount adjudicated, compounded of the two, so far as they apply to the special case ; namely : 1. The claim for goodwill, if justified by usage or special circumstances. 2. That for improvements made within a limited period.

An unbiassed independent tribunal of arbitration would, probably, be enabled to establish before long such a series of decisions as would serve to regulate private arrangements ; and if they appeared conformable to equity, the peasantry would unquestionably be satisfied that the law afforded them a more secure guarantee for the enjoyment of the fruits of their industry than the self-organised system of inti-

RECORDED IN THE NAME OF A PERSON OTHER THAN  
THEIR OWN NAME AND PREVIOUSLY  
RECORDED.

Secondly, it is the natural and the artificially  
constructed soil of the various countries of the island  
group. A third class of soil may be simply  
described as the alluvium of the rivers which deposit  
it in their beds. I consider these resources

to their own benefit. Such is, in fact, the character of the two measures I am venturing to urge upon your Lordship, for the opening up of the waste lands, and the establishment of an equitable system of land tenure. I remain, my Lord,

Your very obedient servant,

G. POULETT SCROPE.

Castle Combe, October 15, 1847.

## LETTER V.

*Encumbered Estates Bill—Prospects of the Winter—In some districts, starvation or relief from the Treasury the only alternatives—Conditions of the latter, Repayment in full, and productive employment of able-bodied—Authorities in favour of Waste Land Bill—Devon Commission—Commissary-General Henritson—The Irish must have leave to cultivate Ireland for themselves—Defects of Poor Law—Conclusion.*

MY LORD,

I HAVE spoken of a measure for facilitating the sale of entailed and encumbered estates in Ireland as of scarcely less pressing importance than that for the reclamation of the wastes, or an improved law of land tenure. It would be superfluous, however, to suggest arguments in support of this opinion to your Lordship, by whom the task was last year entrusted to the Lord Chancellor of framing a bill for this purpose, and whom necessity alone, I believe, compelled reluctantly to abandon it for the time, to be re-introduced, no doubt, on the earliest opportunity.

It is, indeed, self-evident that the improvement of the productive capacities of her soil, which alone can enable Ireland to emerge from her present difficulties, cannot be generally, or even largely, carried into effect, so long as the bulk of her estates are bound in a condition of hopeless paralysis by the

net-work of legal settlements, trusts, and liabilities, which now incapacitate their nominal owners from either undertaking improvements themselves, or offering such terms as may induce other parties to effect them.

Instead, therefore, of dwelling on this thoroughly recognized necessity, I will avail myself of probably the last letter I shall presume to address to you on the wants of Ireland, to say a few words in reference to her prospects for the coming winter.

It has pleased the Almighty (for which we have recently offered up our thanksgivings at your Lordship's instance) to allow the Irish people to gather in an abundant harvest. It remains for *you* to determine whether that people (for whom, no doubt, the bounty was intended by Providence) are to be preserved thereby from a repetition of the horrible sufferings of last year; or that it shall merely go to save the bankrupt landlords of that country for one year longer from the necessity of compounding with their creditors, while their tenants and poor are left to starve (as so many starved last year), or are rescued from starvation only by a demoralizing mode of relief from the national exchequer.

It is true the Poor-law of last session professes to enact that the destitution of any district shall in future be relieved at the cost of its property. But will you take the necessary precautions to ensure the practical working of that principle? If that be your determination, my Lord (and I do not scruple

to say that *this country at least expects it of you*), then allow me to suggest that not a moment should be lost in providing the means of fulfilling the engagements contracted by you with the people of both Ireland and England in the new Poor-law.

There are many districts in the south and west of Ireland where, if no such precautions are taken, that law will become a dead letter, nay, worse, a delusion and a fraud—long before the winter is over, from the impossibility of collecting rates, perhaps even of finding property to seize for them in the possession of the occupying tenantry, who are alone liable in the first instance for the whole. The crops, at this moment filling their haggards, will have been sold, or seized and removed, for rent or arrears of rent. The tenants will in many cases have barely enough left to live on and to seed their land with. To take that would only add *them* to the list of paupers or claimants for relief. What will remain, but the same alternatives which last year presented themselves to your option, namely, either to allow the poor to starve, or to undertake to relieve them by public money?

That any should be allowed to starve, as so many starved last year, in spite of the millions sent over from this country to prevent such a calamity, I hold to be impossible. After the ample warning which the occurrences of the past two years have afforded to your government of the necessity of providing against such a contingency, the actual star-

vation of any number of the citizens of a civilized and wealthy community like this—and after a plentiful harvest too—would be a circumstance too disgraceful to our institutions, and the statesmen who administer them, to be contemplated beforehand as possible. Moreover, the executive, over which you preside, is now, by the recent change in the law, rendered directly responsible for preventing any such frightful contingency. If the Board of Guardians of any Union fail to take all the necessary steps for relieving its destitute poor, the Poor-law Commission, now a branch of the Executive, is authorized by the law (and consequently is bound in duty) to dismiss that Board summarily, and appoint its own paid officers to act in its place. If then, hereafter, inquests are held on persons who may have died of starvation through denial of relief, it will no longer be an indecent absurdity, or a mere *brutum fulmen*, should the verdict of the jury declare the Executive guilty of their deaths! The duty which, under the clause I allude to, devolves upon the Poor-law Commission, must extend not merely to doing what can be done on the spur of the moment towards the relief of the poor when obliged to undertake it by the neglect of a Board of Guardians, but also to the exercise of foresight and judgment as to the probability of such an occurrence, and to the making due preparations against it. If, as every one knows to be the fact, there are parts of Ireland where it would be absurd to expect that sufficient

rates will or can be collected by the Guardians, in the course of the coming winter and spring, to feed the destitute portion of their population, it becomes the imperative duty of the Commission—that is, of the Government—to provide the means for supplementing the deficiency. And should they neglect this duty, they cannot be absolved from responsibility for the awful consequences that must ensue !

I assume then as certain, that provision will be made for this purpose ; and that can only be done by large advances from the national treasury. But these, it is equally certain, will not be tolerated by the guardians of the public purse, *except on two conditions*, both of which were neglected last year, namely :—

1. That the repayment of these advances to Irish Unions should be *entire, certain*, and not too long delayed—an available lien being taken on the land itself, not merely on the rates leviable or proposed to be levied in future years from it.

2. That the expenditure should be as far as possible productive—relief being afforded to the able-bodied only in the shape of useful and remunerative employment.

Now these indispensable postulates cannot, it appears to me, be practically carried out, without new powers conferred by the Legislature on the Government—in the first place to advance the funds required, in the next to take a lien on the property liable to the burden of repayment, and, lastly,

to carry forward, either through the Poor-law Commission or Guardians, the Board of Works, or other agency, the productive employment of the able-bodied poor requiring relief.

This consideration brings me to the conclusion that not a day ought to be lost in obtaining from Parliament these necessary powers. Whether they should take the form of such a measure as I have long urged upon you for employing the waste labour of Ireland in reclaiming and rendering marketable and cultivable her waste land, may be a question with some. For myself, I can see no resource at all comparable to this, whether in direct and universal applicability to the objects in view, in certainty of remunerative return, in the moderate amount of outlay required, or in its adaptation to the feelings, wants, and social circumstances of the population ; and I am borne out in this favourable view of its superior advantages, by the unanswerable mass of evidence condensed in the Digest of the Devon Commission, and the high authority of the strongly expressed opinions of its authors. I need only refer all who entertain doubts on this question to that valuable volume now in circulation, and which cannot be too generally or deeply studied by those who wish to form a sound judgment as to the means of extricating Ireland from the imminent peril that involves her, and with her the empire at large.

I will appeal to but one more authority before I

conclude—that of perhaps the most intelligent of the officers employed by you in superintending the distribution of relief last year throughout Ireland, and whose opportunities of forming correct views on the subject have been superior to those of almost any other individual;—I mean Commissary-General Hewitson.

In one of his letters printed in the Commissariat Correspondence (p. 452) he says,—

“The transition from potatoes to grain requires tillage in the proportion of three to one. It is useless then to talk of emigration, when *so much extra labour is indispensable to supply the extra food.*”

“Let that labour be first applied, and it will be seen whether there is any surplus population. *If the waste lands are taken into cultivation, and industrious habits established, it is very doubtful whether there will be any surplus population, or even whether it would be equal to the demand.*”

“Providence has given everything needful, and nothing is wanted but industry to apply it.”

Yes! there are two things more wanted—namely, that Irish industry should have leave to apply itself to the improvement of the Irish soil, and be assured of reaping the undivided fruits of such application!

This is the double object of the two measures I have especially urged upon your Lordship, as of pressing expediency—the compulsory purchase and partition of the waste lands, and a law, establishing a just system of tenant right.

Your Lordship occupies a position of perhaps unexampled power, enabling you to defy the opposition which any body of short-sighted landed proprietors may yet threaten to such proposals. These measures have, indeed, been delayed too long already, out of deference to that opposition ; and much have they to answer for, who have so long stood in the gap between a starving people and their natural right to obtain food, if possible, by the cultivation of their native soil. Once announce your resolution to concede this right to the Irish people, and all interested opposition *must* give way.

The PEOPLE will be with you in a body. The people, not of Ireland only, but of Britain equally—for we know that unless the Irish are placed in a condition to maintain themselves, upon us will fall the burden of their maintenance.

We know also that to improve the condition of the Irish millions would be to open a market to the products of English industry, such as no other country can furnish.

True it is that Ireland is often reckoned “a bore” on this side the Channel, and some few may be heard to say, “Leave her to herself; we have given her a poor-law; let it work its way, and sooner or later all will come right.” Last year’s experience, however, should have taught them the danger of acting on such a notion. Britain is wedded for good or ill to Ireland, and must share her fate, and even her afflictions. We cannot escape from this.

She is a partner in the firm, whose prosperity or ruin must involve our own.

I am quite as sanguine as any one of the ultimate benefits which Ireland must derive from the new Poor-law (which indeed are already in many parts of the island, developing themselves precisely in the manner anticipated by the advocates of the measure). But I must end as I began, by declaring that to expect from the Poor-law alone, unaccompanied by other vigorous measures of the character I have pointed out in these letters, the cure of such a complicated amount of mischiefs of long-standing as those under which Ireland now groans, and that at a time when the remedy has been delayed until the failure of the staple food of the people has aggravated tenfold the difficulties of her position, would be a kind of moonstruck madness, of which, as one of the earliest and most persevering advocates of that measure, I am anxious to disown the imputation.

The law indeed, as it passed, contains several defects (against which, as your Lordship knows, I strongly, but in vain, remonstrated), and which must seriously interfere with its successful operation. One, the famous quarter-acre clause, which directly aims at making the law of relief an instrument for clearing estates of the smaller landholders, and thus still further complicates the difficulties of the crisis by suddenly dissevering from the occupied land (their habitual means of existence)



thousands and tens of thousands who in an extraordinary time of famine may require assistance, but for whom, as mere labourers in ordinary times there is not, nor is there likely to be, any demand. Another fault is the denial of all power to the Boards of Guardians to employ in useful and reproductive out-door work, whether on Union farms, or waste lands, or other public works, any of the able-bodied poor whom they are nevertheless compelled to maintain out of doors in unproductive and demoralizing idleness. Again, the collection of the entire Poor-rate from the occupiers, however poor themselves, in the first instance, leaving it to them to recover a portion or the whole of it, if they can, from their immediate landlords, to whom they often owe a hopeless arrear of impossible rent, is a third error in the law which threatens to be fatal to its success.

These defects I see with pleasure are beginning to be recognized, as they could not fail to be, in the practical working of the measure on the spot.\* And

\* As one instance among others I annex the following Resolutions agreed to by the Guardians of the Bantry Union, on the 28th September last :—

“ That by the enactment of last session of Parliament, the principle of gratuitous relief being admitted as applicable to the circumstances of Ireland, it is much to be feared that its working may be attended with very demoralizing effects, unless the powers of the Board of Guardians are otherwise extended.

“ That no project seems more likely to ward off these consequences than the extension of the 35th section of the Act 1st and 2d of Victoria, chap. 56, which provides, that not more than

their removal will, I trust, be among the earliest of your Lordship's recommendations to Parliament at its meeting, which it seems to me cannot be much longer postponed.

Oh, that I may have the intense gratification of hearing your Lordship on that occasion announce

twelve acres of land, imperial measure, should be attached to each workhouse.

"That the results to be obtained from such may be thus briefly summed up :—

"The rendering of each workhouse, under the 1st and 2d of Victoria, chap. 56, a reproductive establishment.

"The advancement of agricultural knowledge in each Union, the Board of Guardians being empowered to employ an intelligent agriculturist to superintend the management of any lands that may thus be attached to each workhouse.

"The raising up of a class who might eventually prove useful members of society, either as tenants or intelligent labourers, instead of remaining through life a burden on the country.

"The rendering each workhouse less dependent on the collection of the rates for its maintenance.

"The increase of the agricultural productions of the country, thus diminishing the excessive ratio of the pauperism to the valuation of Ireland.

"The power of assisting emigration given by the Poor-law Extension Act may be thus wisely and providentially made use of, as the workhouse could educate a class, so as to fit them to emigrate with advantage to themselves and profit to the country they may locate themselves in.

"*The Legislature might thus extensively reclaim the waste lands of Ireland through the agency of the Poor-law.*

"That the foregoing resolutions be printed, and a copy sent to each Board of Guardians in Ireland, with a hope that, concurring in the views thus laid before them, they may assist in enforcing them on the attention of the Legislature.

"ARTHUR HUTCHINS, Chairman."



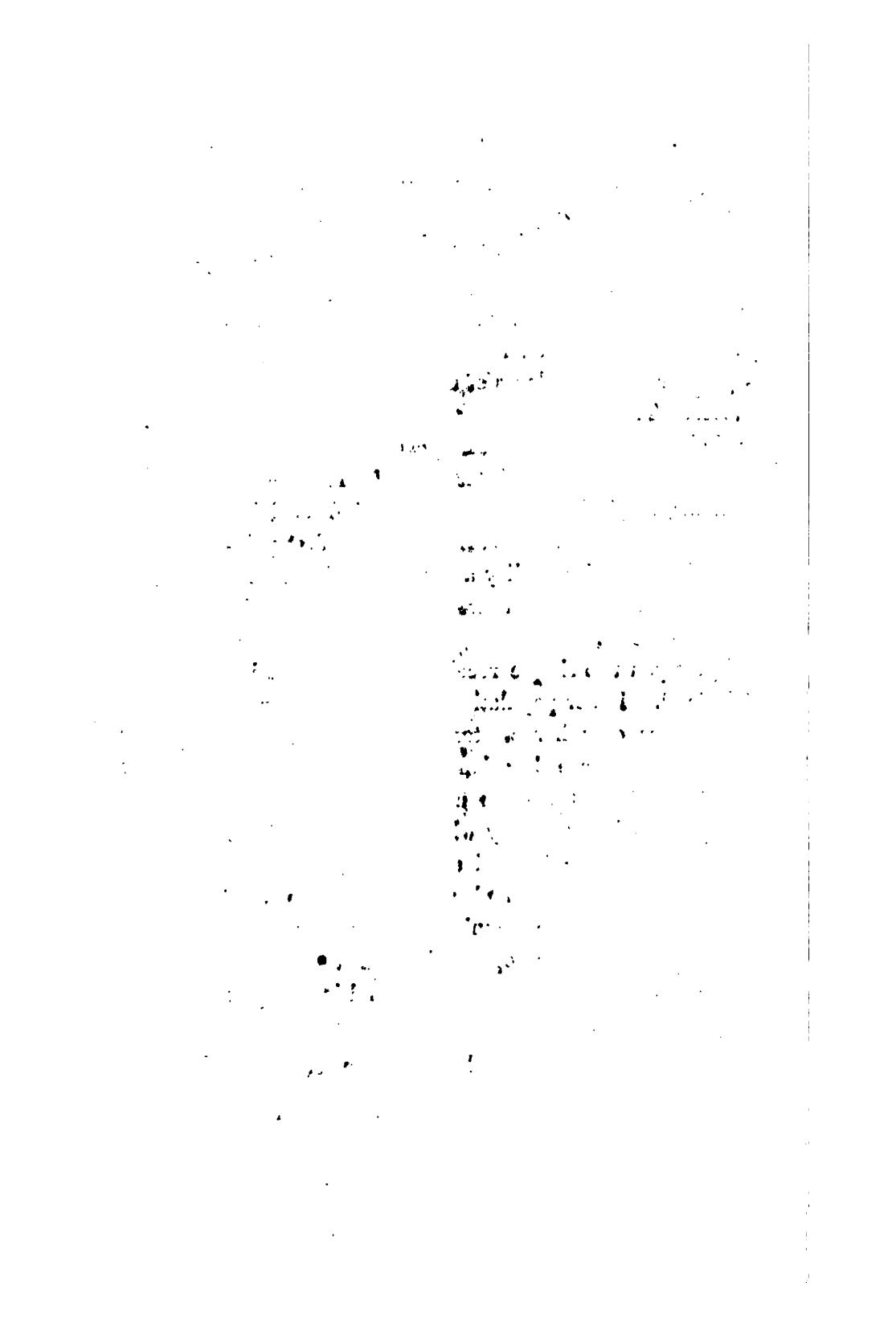
your determination to *open the soil of Ireland to the industry of the Irish people*, by a series of such vigorous measures as shall be really equal to the emergency! We have had enough of professions of good will—more than enough of exhortations to all classes to fulfil their reciprocal duties. The day is past for common places of this kind to be of any service. True it is that Parliament cannot enrich or feed a people. But *it can pass laws enabling a people to feed and enrich themselves!* The law, as it stands, forbids the people of Ireland from doing so! Make the law to accord with the first principles of economical policy and natural right, with that which scripture and reason both proclaim to be the will of God.

I give you two simple receipts for the worst ills of Ireland. Is her population redundant? Spread the surplus over her wastes. Is her cultivation wretched, and are her landholders deficient in industry? Give them the unfailing motive to industry—the right to enjoy what they may produce. Then will you see Ireland arise from her present prostration, and take her place as the right arm of Britain, instead of remaining, as at present, her plague-spot and her opprobrium—a threatening source of deadly peril to the safety and integrity of her Empire. I remain, my Lord,

Your very obedient humble servant,

G. POULETT SCROPE.

London, Oct. 26.



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